THE OFFICE OF RAIL AND ROAD
232nd BOARD MEETING
Tuesday 24 June 2025, 09:00 – 14:30
At ORR, 25 Cabot Square, London, E14 4QZ

Non-executive members: Declan Collier (Chair), Xavier Brice, Ian Dobbs, Madeleine Hallward, Anne Heal, Daniel Ruiz, Catherine Waller (via MS Teams).

Executive members: John Larkinson (Chief Executive), Richard Hines (Director of Railway Safety).

In attendance: Feras Alshaker (Director of Planning and Performance), Fiona Bywaters (Board Secretary), Will Godfrey (Director of Economics, Finance and Markets), Russell Grossman (Director of Communications), Graham Richards (Director, TfL Analysis and Interim Director, Corporate Operations), Elizabeth Thornhill (General Counsel), Stephanie Tobyn (Director, Strategy, Policy and Reform).

Other ORR staff who attended are shown in the minutes.

Item 1 WELCOME AND APOLOGIES FOR ABSENCE

1. The Chair welcomed everyone to the meeting. Apologies for absence were received on behalf of Justin McCracken, with apologies for lateness from Catherine Waller (who joined from item 9). Anne Heal was not present for items 5 to 8 inclusive.

Item 2 DECLARATIONS OF INTEREST

2. There were no declarations of interest.

Item 3 APPROVAL OF PREVIOUS MINUTES AND MATTERS ARISING

3. The minutes of the meeting held on 20 May 2025 were approved.
4. A brief update was provided on actions arising and completed from previous meetings.

Item 4a INTRODUCTION: EXTERNAL GUESTS

Steve Helfet (Deputy Director – Railway Operations) joined the meeting for item 4.

5. John Larkinson introduced the context, referring to the briefing note contained within the agenda, as well as a relevant letter circulated from Alex Hynes (Director General – Rail Services, DfT), and item 8.

Item 4b EXTERNAL GUESTS: SIR ANDREW HAINES (CHIEF EXECUTIVE, NETWORK RAIL) AND JEREMY WESTLAKE (CHIEF FINANCIAL OFFICER, NETWORK RAIL)

6. The Chair welcomed Sir Andrew Haines (Chief Executive) and Jeremy Westlake (Chief Financial Officer) from Network Rail and invited them to speak to their presentation on Network Rail's passenger train performance plans for years 3 to 5 of CP7 (for which slides had been circulated in advance).
7. The guests referred to key evidence on current train performance and challenges, particularly within the context of reform; Network Rail's performance plans for years 3 to 5 of CP7; and issues Network Rail considered crucial for ORR's board to recognise in their decision-making on proposed regulatory performance targets – such as financial constraints and influence of external factors on performance. Further reference was made to the realism of performance targets (including the associated impact on effective ownership of those targets), concerns of the supply chain and the relevance of considering regional performance over a national metric.
8. Discussion with the guests examined Network Rail's proposed performance targets (and the importance of holding to account) as well as the rail reform context, passenger perception and experience, regional performance and targeted interventions, timetable resilience and implementation, and financial implications of applying stretch.
9. The Chair thanked the guests for their attendance.

Item 4c REFLECTION: EXTERNAL GUESTS

10. The Board briefly reflected on the guests' contributions.

Item 5 CHIEF INSPECTOR'S QUARTERLY REPORT

11. Richard Hines (RH) introduced the report, noting that discussions of the postponed Health and Safety Regulation Committee (HSRC) would take place on 30 June. Reference was made to:
    - The ORR-convened 'Welfare for Railway Workers Roundtable' event held the day prior, with constructive engagement from invited participants;
    - The recent presentation to Network Rail's Safety, Health, and Environmental Compliance Committee (SHECC) meeting;
    - West Coast Railway's application for an exemption to the requirements of the Railway Safety Regulations 1999 (regarding the operation of hinged door rolling stock without Central Door Locking) – which had not been granted;
    - Notification of a collision between a Transport for Wales (TfW) train and a trailer towed by a tractor on the approach to Leominster Station in May;

- Proposals being considered by DfT regarding railway technical standards in the context of rail reform; and
- Stakeholder engagement regarding risks of uncertainty and change during the rail reform programme (linked to board Action 03/01).

12. Following questions from the Board, further discussion focussed on:

- Engagement with RSSB regarding mainline SPAD risk and recent data (from RSSB) around inconsistent or absent reporting forms following industry SPAD investigations;
- Data relating to tram and light rail, with the suggestion that data around trams and road vehicle collisions be included in future reports;

The following bullet point is redacted due to commercial sensitivity:

- […];
- Eurotunnel's emergency planning activity for severe weather situations and concerns over outstanding areas on the relevant workplan;
- Planned inspection activities in relation to Eurotunnel since the UK First Line of Response (FLOR) contract changes, for which further detail would be included in the next six-monthly update to the Health and Safety Regulation Committee (HSRC) on Channel Tunnel activities; and
- Key Performance Indicators (KPIs) relating to investigations and enforcement, in particular that regarding time between initial inquiries and formal investigation.

13. The Board welcomed the work undertaken in relation to the people aspects of the regulatory excellence programme, suggesting that further update be provided on structures, capabilities and processes in a future report.

Item 6 CHIEF EXECUTIVE'S REPORT

This report is redacted from the published version as time-sensitive and covering confidential issues.

[…]

Item 7 NATIONAL HIGHWAYS PERFORMANCE

16. Feras Alshaker (FA) introduced the report, referring to: National Highways' funding position in respect of capital funding and resource funding, through the 2025 Spending Review; removal of the National Highways' marketing budget (with implications around safety campaigns); the trilateral relationship review; and potential future regulatory role of ORR in the Lower Thames Crossing.

17. Following questions from the Board, discussion focussed on the reflection of comments in the draft key messages of the annual assessment of RP2/2024-25, following their presentation at the previous meeting on 20 May. Headline messages had now been shared with both National Highways and the

Department for Transport (DfT) as part of ongoing engagement. National Highways' response was largely positive, with some discussion over final wording. Consideration was also given to the evolution of the draft Strategic Business Plan in a period of uncertainty around the third Road Investment Strategy (RIS3) development process, as well as the evolution and optimisation of the DfT's clienting function.

18. **The Board noted the contents of the performance update.**

Item 8 CP7 PASSENGER TRAIN PERFORMANCE RESET: DRAFT DECISION ON TRAJECTORIES (2026-2029)

Steve Helfet (Deputy Director – Railway Operations), Will Holman (Head of Rail Economics) and Matt Wikeley (Head of Rail Outcomes Policy, via MSTeams) joined the meeting for item 8.

This report is redacted from the published version as it contains information the disclosure of which is thought likely to prejudice the effective conduct of ORR's affairs because it relates to uncompleted policy development.

[…]

Item 9 ANNUAL REPORT AND ACCOUNTS 2024-25

Lucy Doubleday (Associate Director – Finance and Governance) joined the meeting for item 9.

29. Graham Richards (GR) introduced the report, supported by Lucy Doubleday (LD). It was explained that the audit had not yet concluded, due to being pushed back three weeks by the National Audit Office (NAO). The Board was being asked for comments at this stage (with final approval by correspondence) in order to meet the timetable for pre-recess laying.

30. The Board expressed their dissatisfaction at the delays to the audit on the part of the NAO, given that this was the second consecutive year where such issues had occurred. The Chief Executive committed to provide feedback to NAO at the conclusion of the process.

31. LD confirmed that comments made by members of the Audit and Risk Committee on the Annual Report and Accounts in correspondence had been integrated where appropriate, as outlined in the appendix. The Committee was due to meet on 30 June – in the anticipation that the audit would be complete at that point – with the Board to subsequently consider final approval (for recommendation to the Accounting Officer) by correspondence.

32. Further remarks were made regarding the readership of the document, the selection of pictures within, and future monitoring of the Greening Government Commitments framework.

33. **The Board resolved that the ARA be conditionally approved for recommendation to the Accounting Officer, subject to any comment and conclusion of the audit, ahead of the Audit and Risk Committee's recommendation on 30th June (and final board decision by correspondence).**

Item 10 WEST COAST MAIN LINE OPEN ACCESS DECISIONS UNDER SECTION 17 OF THE RAILWAYS ACT 1993

Martin Jones (Deputy Director - Access, Licensing and International), Steve Helfet (Deputy Director – Operations), Gareth Clancy (Head of Access and Licensing) and Siân Jefferies (Senior Legal Adviser, via MS Teams) joined the meeting for item 10.

34. Liz Thornhill (LT) introduced the legal context to the item and referred to a letter from the Department for Transport's Director General – Rail Reform & Strategy (dated 20 June, received 23 June) which had been circulated to the Board with an accompanying briefing note, prior to publication. The letter had stated the Department's belief that, "*ORR immediately takes steps to fully understand and consider the cumulative scale and impacts of abstraction when it assesses Open Access applications*." A subsequent email from the Director General had then stated, "*We don't see this as a reason to hold up decisions, rather that we believe ORR should have regard to cumulative impact from these current applications (reflecting its duty to consider the impact on SoS funds) and that it would be helpful to set out a means of doing this in the future.*"

The following paragraph is redacted due to legal privilege:

35. […]

The following paragraph is partially redacted due to legal privilege [text in square brackets]:

36. The Board discussed their interpretation of the above correspondence. **[**…**]**

37. Steve Helfet (SH) introduced the aspects of the report relating to capacity and was invited to speak to the evidence behind the assertion that there was insufficient capacity to accommodate all or part of the applications, as to do so would use remaining theoretical capacity in the current structure and specification of the timetable between London and Rugby to an extent likely to cause an unacceptable detriment in punctuality to the passengers of existing services.

38. SH referred to capacity on West Coast Main Line (WCML) South where there were nine theoretical paths in each direction throughout the day that now acted as 'firebreak' paths, and explained their role in preventing consecutive and potentially unrecoverable losses of punctuality on this congested, high-frequency route. Reference was made to WCML South as a part of the network where the performance of the timetable was demonstrated as fragile. There were also further approved Avanti and First Stirling services within the agreed timetable structure that were not yet running and were also expected to have an impact on performance.

39. SH further explained that if every theoretical path available was used, the timetable would further lose its ability to absorb daily delays under normal operating conditions, which could lead to progressive deterioration of train service performance on any given day.

40. The Board reflected on whether removal of the firebreaks would likely result in a less reliable service than at present by reducing timetable resilience on a

critical and congested area of the network. It was noted that each of the applications would use a significant proportion of the remaining firebreaks within the timetable structure, and noted the team's operational view that this would most likely resulting in a significant detriment on daily performance.

41. Given the assertion of applicants that the 'firebreaks' were not required, the Board further discussed their frequent use at present, as well as Network Rail's declaration of congested infrastructure in May 2020. In response to questions, SH confirmed that Network Rail's analysis of capacity with regard to these applications (none of which were supported by Network Rail on capacity grounds), had been validated by ORR.

42. The Board asked whether any of the applications might be operable if not for capacity constraints between London and Rugby. There was a brief discussion of other operational and infrastructure constraints on the relevant routes, some of which had been included in the supporting paper but at a lesser level of detail due to the overriding recommendation about the London to Rugby section.

43. The Board concluded that, in the context of the current timetable structure and specification, the 'firebreaks' were required on the WCML to facilitate efficient and effective timetable performance, and that these pathways should remain available for that purpose. The Board noted the analysis of economic aspects, operational viability, and passenger benefits provided to it, but this could not alter the Board's conclusion about the absence of capacity to implement the proposed services. On this basis the Board did not consider the funds available to the Secretary of State and therefore agreed that it was not necessary to take the letter from DfT into account.

44. **The Board resolved that the three applications on the West Coast Main Line from Virgin, Lumo North West (Lumo NW) and Wrexham, Shropshire and Midlands Railway for new open access services be rejected as there existed insufficient capacity available to accommodate any of these applications without significant detrimental performance impact to the network.**

Item 11 RAIL REFORM UPDATE [ORAL UPDATE]

45. As sufficient update had been provided under previous items, item 11 was withdrawn.

Item 12 INDEPENDENT BOARD EFFECTIVENESS REVIEW 2025/26

46. Declan Collier introduced the report as Chair, explaining that ORR was due to commission its triennial external Board Effectiveness Review, in line with the Corporate Governance Code for Central Government Departments (2017).

47. **The Board resolved that the proposed review objectives, as outlined in section D of the report, be endorsed.**

Item 13 ANY OTHER BUSINESS

48. The Board noted the dates of the next meetings and items below the line, namely: the Board forward programme; and 2026 Board and committee calendar. No other business was raised.

Meeting end: 2.47pm
Approved: 22 July 2025